

ORIGINAL

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF GEORGIA  
STATESBORO DIVISION

*RW*

HASSAN W. FREEMAN,

Plaintiff,

vs.

CIVIL ACTION NO.: CV605-072

GLENN RICH, Warden;  
R. D. COLLINS, Deputy Warden;  
JOHN PAUL, Deputy Warden;  
Lt. BYRD; Sgt. JASON D. BURNS;  
Officer PARKER, and Officer MOBLEY,

Defendants.

ORDER


After an independent review of the record, the Court concurs with the Magistrate Judge's Report and Recommendation, to which Objections and a Motion to Extend Time for Discovery and Response to Motion for Summary Judgment have been filed. Plaintiff seeks to stay the proceedings until thirty (30) days after the United States District Court for the Northern District of Georgia enters its decision in the case of Graham v. Rich. Plaintiff filed the instant cause of action in this Court. Plaintiff's Motion is **DENIED**.

In his Objections, Plaintiff asserts that he was not required to exhaust administrative remedies because the grievance procedure was not practically available to him. As noted by the Magistrate Judge, Plaintiff's assertion in this regard overlooks the fact that he failed to file an emergency grievance, that he did not attempt to show prison officials good cause to excuse the untimely filing of a grievance, and that he did not attempt to file an out-of-time grievance after he was transferred from Rogers State Prison. The remaining portions

of Plaintiff's Objections speak to the merits of his case. Plaintiff is procedurally barred from bringing his claims at this time, and thus, the Court will not entertain the merits of Plaintiff's Complaint.

The Report and Recommendation of the Magistrate Judge is adopted as the opinion of the Court. Plaintiff's Complaint is **DISMISSED**, without prejudice, due to Plaintiff's failure to exhaust his available administrative remedies prior to filing his Complaint. The Clerk of Court is authorized and directed to enter the appropriate judgment of dismissal.

SO ORDERED, this 22 day of June, 2006.

  
B. AVANT EDENFIELD, JUDGE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA